# UNITED STATES DISTRICT COURT

for the

Southern District of Texas
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Diageo North America, Inc.	
v. ) Case No.: 4:13-cv-856  Mexcor, Inc. and EJMV Investments, LLC )	
BILL OF COSTS	
Judgment having been entered in the above entitled action on 12/18/2014 against Defended	dants ,
the Clerk is requested to tax the following as costs:	
Fees of the Clerk	\$350.00
Fees for service of summons and subpoena	
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	41,645.65
Fees and disbursements for printing	20,632.35
Fees for witnesses (itemize on page two)	11,713.32
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	50,567.26
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	926.50
Other costs (please itemize)	
TOTAL	\$125,835.08
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories	es.
Declaration	
I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurre services for which fees have been charged were actually and necessarily performed. A copy of this bill had in the following manner:	
Electronic service First class mail, postage prepaid	
Other:	
s/ Attorney:	
Name of Attorney: Lee M. Popkin  For: Diageo North America. Inc. Date:	: 01/02/2015
For: Diageo North America, Inc.  Name of Claiming Party  Date:	. 01/02/2015
Taxation of Costs	
Costs are taxed in the amount of and	included in the judgment.
By:	
Clerk of Court Deputy Clerk	Date

AO 133 (Rev. 12/09) Bill of Costs

## UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
	ATTE	NDANCE	SUBSISTENCE		MILEAGE		Total Cost
NAME, CITY AND STATE OF RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness
See attachment A.						11,713.32	\$11,713.32
	ACID STATE OF THE	and account of extraordinates and account of the contract of t	a bongsonasi disastronon dela				\$0.00
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					Т	OTAL	\$11,713.32

#### NOTICE

### Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

#### See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

# The Federal Rules of Civil Procedure contain the following provisions: RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

#### RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

#### **RULE 58(e)**

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

### **ATTACHMENT A\***

Name, City and State of Residence	Days of Attendance (Hotel)	Subsistence	Mileage (Flight)	Total Cost
Yvonne Briese	4 \$528.00	\$355.00	\$1,369.25	\$2,252.25
Abby Wise	4 \$528.00	\$355.00	\$971.20	\$1,854.20
Phil Sobel	3 \$396.00	\$284.00	\$623.10	\$1,303.10
Jon Lovell	3 \$396.00	\$284.00	\$1,528.16	\$2,208.16
Bruce Isaacson	4 \$528.00	\$355.00	\$818.41	\$1,701.41
Hal Poret	2 \$264.00	\$213.00	\$1,534.00	\$2,011.00
Reginald Moore	\$223.20 (space used to conduct deposition)			\$223.20
Witness Fees for Deposition Appearances (Andrew Josey, Reginald Moore, Jon Lovell, and Rance Ledbetter)	\$160 (\$40 each)			\$160
TOTAL				\$11,713.32

<sup>\*</sup>Diageo is using the daily per diem of \$203 prescribed by the Administrator of General Services, pursuant to section 5702(a) of title 5, for official travel in Houston by federal employees (\$132 per day for lodging and \$71 for meals and incidental expenses) to calculate the witness expenses for its trial witnesses. *See* http://www.gsa.gov/portal/content/104877.